

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1078**  
93RD GENERAL ASSEMBLY

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Reported from the Committee on Pensions, Veterans' Affairs and General Laws, May 5, 2006, with recommendation that the Senate Committee Substitute do pass.

3807S.04C

TERRY L. SPIELER, Secretary.

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**AN ACT**

To amend chapter 173, RSMo, by adding thereto two new sections relating to tuition.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 173, RSMo, is amended by adding thereto two new sections, to be known as sections 173.270 and 173.234, to read as follows:

**173.270. 1. The coordinating board for higher education shall make provisions for institutions under the board's jurisdiction to award a tuition and fee waiver for undergraduate courses at state institutions of higher education for any student, beginning with incoming freshmen in the 2007 fall semester or term, who:**

**(1) Is a resident of this state;**

**(2) Has graduated within the previous three years from high school or passed the GED examination; and**

**(3) Has been in foster care or other residential care under the department of social services on or after:**

**(a) The day preceding the student's eighteenth birthday;**

**(b) The day of the student's fourteenth birthday, if the student was also eligible for adoption on or after that day; or**

**(c) The day the student graduated from high school or received a GED.**

**2. To be eligible for a waiver award, a student shall:**

**(1) Apply to and be accepted at the institution not later than:**

**(a) The third anniversary of the date the student was discharged from foster or other residential care, the date the student graduated from high school, or the date the student received a GED, whichever is**

21 earliest; or

22 (b) The student's twenty-first birthday;

23 (2) Apply for other student financial assistance, other than  
24 student loans, in compliance with federal financial aid rules, including  
25 the federal Pell grant;

26 (3) Apply to the coordinating board for higher education for a  
27 determination of eligibility. Application shall be on forms and in a  
28 manner prescribed by rule of the coordinating board; and

29 (4) Complete a minimum of one hundred hours of community  
30 service or public internship within a twelve-month period beginning  
31 September first for each year in which the student is receiving a  
32 tuition and fee waiver award pursuant to this section. The department  
33 of higher education, in collaboration with participating state  
34 institutions of higher education, shall by rule determine the community  
35 service and public internships that students may participate in to meet  
36 the requirements of this subdivision. A student may fulfill this  
37 requirement by completing the necessary community service or public  
38 internship hours during the summer.

39 3. The tuition and fee waiver provided by this section shall be  
40 awarded on an annual basis and shall continue to be available, if the  
41 student is otherwise eligible pursuant to this section, as long as the  
42 student remains in good academic standing at the state institution of  
43 higher education. The institution shall monitor compliance with  
44 subdivision (4) of subsection 2 of this section and report it to the  
45 department of higher education.

46 4. The waiver provided by this section for each eligible student  
47 may be used for no more than four years of undergraduate study and  
48 may only be used after other sources of financial aid that are dedicated  
49 solely to tuition and fees are exhausted.

50 5. No student who is enrolled in an institution of higher  
51 education as of the effective date of this section shall be eligible for a  
52 waiver award under this section.

53 6. Any rule or portion of a rule, as that term is defined in section  
54 536.010, RSMo, that is created under the authority delegated in this  
55 section shall become effective only if it complies with and is subject to  
56 all of the provisions of chapter 536, RSMo, and, if applicable, section  
57 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable

58 and if any of the powers vested with the general assembly pursuant to  
59 chapter 536, RSMo, to review, to delay the effective date, or to  
60 disapprove and annul a rule are subsequently held unconstitutional,  
61 then the grant of rulemaking authority and any rule proposed or  
62 adopted after August 28, 2006, shall be invalid and void.

173.234. 1. As used in this section, unless the context clearly  
2 requires otherwise, the following terms shall mean:

- 3 (1) "Board", the coordinating board for higher education;
- 4 (2) "Eligible student", the natural, adopted, or stepchild of a  
5 qualifying military member, who is less than twenty-five years of age  
6 and who was a dependent of a qualifying military member at the time  
7 of death or injury, or the spouse of a qualifying member who is less  
8 than forty-five years of age;
- 9 (3) "Grant", the military member survivor grant as established by  
10 this section;
- 11 (4) "Qualifying institution", any approved Missouri public or  
12 private institution of postsecondary education as defined in section  
13 173.205;
- 14 (5) "Qualifying military member", any member of the military of  
15 the United States, whether active duty, reserve, or national guard, who  
16 served in the military after September 11, 2001, during a time of war  
17 and for whom the following criteria apply:
  - 18 (a) The veteran was a Missouri resident when first entering the  
19 military service and at the time of death; and
  - 20 (b) The veteran died as a result of combat action or the veteran's  
21 death was certified by the Veterans Administration medical authority  
22 to be attributable to an illness or accident that occurred while serving  
23 in combat, or who became eighty percent disabled as a result of injuries  
24 or accidents sustained in combat action after September 11, 2001, and  
25 who was at the time of death or injury a citizen of the state of Missouri;
- 26 (6) "Tuition", any tuition or incidental fee or both charged by a  
27 qualifying institution for attendance at the institution by an eligible  
28 student. The tuition grant shall not exceed the amount of tuition  
29 charged a Missouri resident at the University of Missouri-Columbia for  
30 attendance.

31 2. Within the limits of the amounts appropriated therefor, the  
32 coordinating board for higher education shall award annually up to

33 twenty-five grants to survivors of war veterans to attend institutions  
34 of postsecondary education in this state, which shall continue to be  
35 awarded annually to eligible recipients as long as certain standards of  
36 academic performance, as determined by the coordinating board for  
37 higher education, continue to be achieved. If the waiting list of eligible  
38 survivors exceeds fifty, the coordinating board may request the general  
39 assembly to increase the limitation on the number of grants authorized  
40 under this section. If the limitation on the number of grants under this  
41 section is not increased, the eligibility of survivors on the waiting list  
42 shall be extended.

43 3. An eligible student may receive a grant under this section only  
44 so long as the eligible student is enrolled in a program leading to a  
45 certificate, or an associate or baccalaureate degree in a qualifying  
46 institution. In no event shall the eligible student receive a grant  
47 beyond the completion of the first baccalaureate degree. No eligible  
48 student shall receive more than one hundred percent of tuition when  
49 combined with similar funds made available to such eligible student.

50 4. The coordinating board for higher education shall:

51 (1) Promulgate all necessary rules for the implementation of this  
52 section;

53 (2) Determine minimum standards of performance for a student  
54 to remain eligible to receive a grant under this program;

55 (3) Make available on behalf of the eligible student an amount  
56 toward the eligible student's tuition which is equal to the grant to  
57 which the eligible student is entitled under the provisions of this  
58 section;

59 (4) Provide the forms and determine the procedures necessary  
60 for an eligible student to apply for and receive a grant under this  
61 program.

62 5. An eligible student who is enrolled or has been accepted for  
63 enrollment at a qualifying institution shall receive a tuition grant in an  
64 amount not to exceed the actual tuition charged at the qualifying  
65 institution where the eligible student is enrolled or accepted for  
66 enrollment. In addition, such student shall receive an allowance of two  
67 thousand dollars per semester for room and board, and an allowance  
68 for the actual cost of books, up to five hundred dollars per semester.

69 6. An eligible student who is a recipient of a grant may transfer

70 from one qualifying institution to another without losing his or her  
71 entitlement under this section. The board shall make necessary  
72 adjustments in the amount of the grant. If a grant recipient at anytime  
73 withdraws from a qualifying institution so that under the rules of such  
74 institution the eligible student is entitled to a refund of any tuition,  
75 fees, or other charges, the qualifying institution shall pay the portion  
76 of the refund to which the student is entitled attributable to the grant  
77 for that semester or similar grading period to the board.

78         7. If an eligible student is granted financial assistance under any  
79 other student aid program, public or private, the full amount of such  
80 aid shall be reported to the board by the qualifying institution and the  
81 eligible student.

82         8. Nothing in this section shall be construed as a promise or  
83 guarantee that a person will be admitted to a qualifying institution or  
84 to a particular qualifying institution, will be allowed to continue to  
85 attend a qualifying institution after having been admitted, or will be  
86 graduated from a qualifying institution.

87         9. Pursuant to section 23.253, RSMo, of the Missouri Sunset Act:

88         (1) The provisions of the new program authorized under this  
89 section shall automatically sunset six years after the effective date of  
90 this section, unless reauthorized by an act of the general assembly; and

91         (2) If such program is reauthorized, the program authorized  
92 under this section shall automatically sunset twelve years after the  
93 effective date of the reauthorization of this section; and

94         (3) This section shall terminate on September first of the  
95 calendar year immediately following the calendar year in which the  
96 program authorized under this section is sunset.

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